

RESOLUTION NO. 2014220

RE: LOCAL LAW NO. OF 2014, A LOCAL LAW
AMENDING DUTCHESS COUNTY LOCAL LAW NO. 7 OF 2000
AS IT PERTAINS TO SECTIONS 2, 5, 6(a), AND 11(b) AND 12(h)
OF THE DUTCHESS COUNTY CODE OF ETHICS

Legislators KELSEY, JOHNSON and SAGLIANO offer the following and move
its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2014 which has been submitted this day for consideration by said Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2014

RE: A LOCAL LAW AMENDING DUTCHESS COUNTY LOCAL
LAW NO. 7 OF 2000 AS IT PERTAINS TO SECTIONS 2, 5, 6(a) AND
11(b) AND 12(h) OF THE DUTCHESS COUNTY CODE OF ETHICS

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. LEGISLATIVE INTENT.

Pursuant to NY General Municipal Law Section 806(1)(a) the County of Dutchess adopted a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them.

By adopting a local law, ordinance or resolution as authorized by NY General Municipal Law Section 811(1) the County of Dutchess elected, pursuant to NY General Municipal Law Section 812(3), to remove itself from the ambit of NY General Municipal Law Section 812(5), which mandates a NY State prescribed financial disclosure statement form.

The Dutchess County Code of Ethics was thus established by Local Law No. 7 of 2000 and amended by Local Laws No. 2 and No. 7 of 2001 and Local Law No. 5 of 2004.

The County Legislature has determined that it is necessary and advisable to further amend Local Law No. 7 of 2000 to: add a definition of "complaint"; mandate annual Code of Ethics training; provide a process for updating the list of titles and positions of local officers and employees required to file an annual financial disclosure statement; and authorize the Dutchess County Board of Ethics to request further information upon receipt.

SECTION 2. AMENDING SECTION 2, LOCAL LAW NO. 7 OF 2000.

Upon the adoption of this local law, Local Law No. 7 of 2000, Section 2 is hereby amended to read as follows:

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Appropriate Body" means the Dutchess County Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.
- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "Complaint" means a written communication from any source whatsoever containing factual allegations of misconduct of a Dutchess County employee or officer which, if proven, could constitute a violation of the Dutchess County Code of Ethics as outlined in Section 3, Standards of Conduct. A complaint need not be addressed to the Dutchess County Board of Ethics so long as the substance of the allegations involves purported unethical conduct of a Dutchess County employee or officer, purported to be in violation of the Dutchess County Code of Conduct, Section 3.
- (d) "County" means the government of the County of Dutchess and Dutchess Community College.

- (e) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
 - (i) A relative except as to a contract of employment with the County;
 - (ii) A firm, partnership or association of which such officer or employee is a member or employee;
 - (iii) A corporation of which such officer or employee is an officer, director or employee;
 - (iv) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (f) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (g) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (h) "Relative" means a child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (i) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (j) "Unemancipated Child" means a child who is under the age of eighteen, unmarried and living in the household of an officer or employee.

SECTION 3. AMENDING SECTION 5, LOCAL LAW NO. 7 OF 2000.

Upon the adoption of this local law, Local Law No. 7 of 2000, Section 5 is hereby amended to read as follows:

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Each officer and employee required to file a Financial Disclosure Statement shall complete Code of Ethics training provided by the County Attorney during such officer or employee's initial employee orientation, and annually thereafter, or sign a sworn statement that such officer or employee has received and read the Dutchess County Code of Ethics. Such sworn statement shall be filed with the County Attorney's office by the deadline for filing Financial Disclosure Statements (i.e., May 15). Failure to distribute, post, receive or read a copy of this local law, attend annual training, or to submit a sworn statement regarding receipt and reading of the Code of Ethics shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 4. AMENDING SECTION 6(a), LOCAL LAW NO. 7 OF 2000.

Upon the adoption of this local law, Local Law No. 7 of 2000, Section 6(a) is hereby amended to read as follows:

The Dutchess County Commissioner of Human Resources shall, prior to February 1st of each calendar year in which changes to affected positions become effective, submit to the Dutchess County Legislature for approval by resolution, a list specifying by name of office or by title or classification, those officers, employees, and local elected officials of the executive and legislative branches of county government, District Attorney, Sheriff's Office, County Clerk, and County Controller, but not judges or justices of the Unified Court System, who shall be required to complete and file an annual financial disclosure statement.

Such list shall contain the heads of all county created authorities, agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils created by the county who hold policy making positions as determined by the appointing authority as appointing authority is defined by New York State Civil Service Law Section 2(9).

Such officers and employees shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15th of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth on such list said financial disclosure statement.

SECTION 5. AMENDING SECTION 11(b), LOCAL LAW NO. 7 OF 2000.

Upon the adoption of this local law, Local Law No. 7 of 2000, Section 11(b) is hereby amended to read as follows:

The Board of Ethics shall be the repository for completed Financial Disclosure Statements and such other written instruments affidavits, and disclosures as required by law. The Dutchess County Commissioner of Finance shall inspect all Financial Disclosure Statements to ascertain whether a person required to file a statement has failed to do so and inform the Dutchess County Board of Ethics in writing of the results of such inspection. The Board of Ethics shall have the authority to request further information from any person required to file an Annual Statement of Financial Disclosure pursuant to this local law who has checked off a box in Item 2 of the Financial Disclosure Statement.

SECTION 6. AMENDING SECTION 12(h), LOCAL LAW NO. 7 OF 2000.

Upon the adoption of this local law, Local Law No. 7 of 2000, Section 12(h) is hereby amended to read as follows:

Upon the Board's determination that a violation of the Code of Ethics has occurred, and pursuant to Section 9 of this Code of Ethics, the Board of Ethics may assess a penalty as allowed by this code.

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined to its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE.

This local law is not subject to any mandatory or permissive referendum and, therefore, shall take effect immediately upon filing in the Office of the Secretary of State.

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 18. Conflicts of Interest of Municipal Officers and Employees (Refs & Annos)

McKinney's General Municipal Law § 806

§ 806. Code of ethics

Effective: June 1, 2006
Currentness

✓ 1. (a) The governing body of each county, city, town, village, school district and fire district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Notwithstanding any other provision of this article to the contrary, a fire district code of ethics shall also apply to the volunteer members of the fire district fire department. Codes of ethics shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.

(b) Effective on and after January first, nineteen hundred ninety-one, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual statements of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, nineteen hundred ninety-one. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph, adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or municipality, acting by its governing body, may take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the ambit of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (a), (b) and (c) of such subdivision three which shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven.

2. The chief executive officer of a municipality adopting a code of ethics shall cause a copy thereof to be distributed to every officer and employee of his municipality. The fire district commissioners shall cause a copy of the fire district's code of ethics to be posted publicly and conspicuously in each building under such district's control. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

3. Until January first, nineteen hundred ninety-one, the clerk of each municipality shall file in the office of the state comptroller and on or after January first, nineteen hundred ninety-one, the clerk of each municipality and of each political subdivision, as

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 18. Conflicts of Interest of Municipal Officers and Employees (Refs & Annos)

McKinney's General Municipal Law § 811

§ 811. Promulgation of form of annual statement of financial disclosure;
authority of governing body with respect to persons subject thereto

Effective: April 7, 2008
Currentness

1. (a) The governing body of each political subdivision may, not later than January first, nineteen hundred ninety-one, and the governing body of any other municipality may at any time subsequent to the effective date of this section, adopt a local law, ordinance, or resolution: (i) wherein it promulgates a form of annual statement of financial disclosure which is designed to assure disclosure by municipal officers and employees, which for the purposes of this section, the definition for which shall be modified so as to also include a city with a population of one million or more, and (in the case of a political subdivision or any other county, city, town or village) which is designed to assure disclosure by local elected officials and/or by local political party officials of such financial information as is determined necessary by the governing body, or (ii) wherein it resolves to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted. In either event, such local law, ordinance or resolution if and when adopted shall specify by name of office or by title or classification those municipal officers and employees and (in the case of a political subdivision or any other county, city, town or village) those local elected officials and/or those local political party officials which shall be required to complete and file such annual statement.

(a-1) In a city with a population of one million or more, such local law, ordinance or resolution shall require, on two or more types of forms for annual statements of financial disclosure, disclosure of information that could reveal potential conflicts of interest as defined by chapter sixty-eight of the New York city charter.

(i) The disclosure required by such law, ordinance or resolution of such city shall, at a minimum, include information about any non-city employment or interests that may give rise to a conflict of interest, including, but not limited to, interests of the filer and his or her spouse or registered domestic partner, and unemancipated children, in: (A) real property located in such city, and (B) positions or business dealings with, financial interests in, or gifts from, any persons or firms or entities engaged in business dealings with such city.

(ii) In any such city, local elected officials and compensated local officers and employees, as defined in subdivisions two and three, respectively, of section eight hundred ten of this article, shall, at a minimum, disclose in addition to the information required by subparagraph (i) of this paragraph: (A) interests in a firm where the value of the interest is ten thousand dollars or more; (B) where the official, officer, or employee holds a policy-making position with such city, membership in the national or state committee of a political party or service as assembly district leader of a political party or service as the chair or as an officer of the county committee or county executive committee of a political party; (C) the names and positions of any spouse or registered domestic partner, child, stepchild, brother, sister, parent or stepparent holding a position with any such city; (D) each volunteer office or position held by the filer or his or her spouse or registered domestic partner with any not-for-profit organization engaged in business dealings with such city, except where the person volunteers only in a non-policy-making, non-

administrative capacity; and (E) agreements between the filer and any person or firm or entity engaged in business dealings with such city for future payment to or employment of the filer.

(iii) For purposes of this paragraph, the term “firm” shall have the same meaning as set forth in subdivision eleven of section twenty-six hundred one of the New York city charter.

(b) The governing body of a political subdivision or any other county, city, town or village, which requires the completion and filing of either of such forms of annual statements of financial disclosure by local or municipal officers and employees and/or by local elected officials shall have the power, if it so chooses, to require the completion and filing of such annual statements of financial disclosure by local political party officials as if such officials were officers or employees of such county, city, town or village, provided however, that a person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing a copy of the statement filed pursuant to section seventy-three-a of the public officers law with the appropriate body, as defined in section eight hundred ten of this article, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.

(c) The governing body of a political subdivision or any other county, city, town or village which requires any local or municipal officer or employee or any local elected official or any local political party official to complete and file either of such annual statements of financial disclosure shall have, possess, exercise and enjoy all the rights, powers and privileges attendant thereto which are necessary and proper to the enforcement of such requirement, including but not limited to, the promulgation of rules and regulations pursuant to local law, ordinance or resolution, which rules or regulations may provide for the public availability of items of information to be contained on such form of statement of financial disclosure, the determination of penalties for violation of such rules or regulations, and such other powers as are conferred upon the temporary state commission on local government ethics pursuant to section eight hundred thirteen of this article as such local governing body determines are warranted under the circumstances existing in its county, city, town or village.

(d) The local law, ordinance or resolution, if and when adopted, shall provide for the annual filing of completed statements with either the temporary state commission on local government ethics or with the board of ethics of the political subdivision or other municipality and shall contain the procedure for filing such statements and the date by which such filing shall be required. If the board of ethics is designated as the appropriate body, then such local law, ordinance or resolution shall confer upon the board appropriate authority to enforce such filing requirement, including the authority to promulgate rules and regulations of the same import as those which the temporary state commission on local government ethics enjoys under section eight hundred thirteen of this article. Any such local law, ordinance or resolution shall authorize exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship. The appropriate body shall prescribe rules and regulations related to such exceptions with respect to extensions and additional periods of time within which to file such statement including the imposition of a time limitation upon such extensions.

(e) Nothing herein shall be construed to prohibit a political subdivision or other municipality from promulgating the form of annual financial disclosure statement set forth in section eight hundred twelve of this article. Promulgation of the same form of annual financial disclosure statement set forth in section eight hundred twelve of this article shall not be deemed an automatic election to be subject to the provisions of such section.

2. In the event that a political subdivision fails by January first, nineteen hundred ninety-one to promulgate, or fails by such date to elect to continue using, a form of annual statement of financial disclosure in the manner authorized in subdivision one

(i) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

2. The governing body of a county, city, town or village having a population of less than fifty thousand may by local law or ordinance elect to be subject to the provisions of this section. In such event, any such city, county, town or village shall be deemed to be a political subdivision under this section.

✓ 3. Any political subdivision or other county, city, town or village to which all of the provisions of this section are made applicable, whether as a result of the provisions contained in subdivision two of section eight hundred eleven of this article or as a result of an election to be subject to the provisions of this section as permitted by subdivision two of this section, may elect to remove itself from the ambit of all (but not some) provisions of this section (other than this subdivision) by adopting a local law, ordinance or resolution specifically referring to the authority conferred by this subdivision. Provided, however, that the terms of such local law, ordinance or resolution shall be subject to the following conditions and limitations:

(a) Such local law, ordinance or resolution must provide for the promulgation of a form of an annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article for use with respect to information the governing body requires to be reported for the calendar year next succeeding the year in which such local law, ordinance or resolution is adopted and for use with respect to information required to be reported for subsequent calendar years; and shall provide for the filing of completed statements with either the temporary state commission on local government ethics or with the board of ethics of the political subdivision or other municipality, as specified in subdivision one of section eight hundred eleven of this article.

(b) Such removal shall not be effective with respect to the annual financial disclosure statement for the calendar year in which the local law, ordinance or resolution is adopted (the filing of which statement is due on May fifteenth of the next succeeding year with certain exceptions), nor shall such removal be effective with respect to any required annual financial disclosure statement for the immediately preceding calendar year (the filing of which statement is due on May fifteenth (with certain exceptions) of the calendar year in which such local law, ordinance or resolution is adopted), nor shall such removal be effective with respect to any other preceding year but such removal shall apply first to the statement which would have been due on May fifteenth (with certain exceptions) of the second year next succeeding the year in which such local law, ordinance or resolution is adopted, and such removal shall apply thereafter to subsequent statements otherwise due pursuant to this section.

(c) Such removal shall not affect the power to impose, or the imposition of, a penalty for failure to file, or for false filing, of any required annual financial disclosure statement.

(d) The local law, ordinance or resolution referred to in paragraph (a) of this subdivision or any other such local law, ordinance or resolution so adopted may make provision for any other right, power or privilege granted by subdivision one of such section eight hundred eleven.

4. Nothing contained in this section shall be construed as precluding the governing body of a political subdivision from requiring additional and/or more detailed items of financial disclosure than are set forth in subdivision five hereinbelow.

5. The annual statement of financial disclosure shall contain the information and shall be in the form set forth hereinbelow:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR%tc

(Insert Name of Political Subdivision) - (For calendar year _____)

1. Name
2. (a) Title of Position
- (b) Department, Agency or other Governmental Entity
- (c) Address of Present Office
- (d) Office Telephone Number
3. (a) Marital Status _____. If married, please give spouse's full name including maiden name where applicable.

- (b) List the names of all unemancipated children.

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; and Category F - \$250,000 or over. A reporting individual shall indicate the Category by letter only.

For the purposes of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the general municipal law, of the political subdivision for which this financial disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York or (insert name of political subdivision). If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position

Organization

State or

Local Agency

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- (b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>
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- ✓ 5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

<u>Position</u>	<u>Name & Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>
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- (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

<u>Position</u>	<u>Name & Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>
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6. List any interest, in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except from guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

<u>Self, Spouse or Child</u>	<u>Entity Which Held Interest in Contract</u>	<u>Relationship to Entity and Interest in Contract</u>	<u>Contracting State or Local Agency</u>	<u>Category of Value of Contract</u>

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

AMENDED BY LOCAL LAW NOS. 2 OF 2001/7 OF 2001/5 OF 2004

Lay on Desk
8:14
Charter LL

RESOLUTION NO. 200272

RE: LOCAL LAW NO. 7 OF 2000, A LOCAL LAW ESTABLISHING A CODE OF ETHICS FOR OFFICERS AND EMPLOYEES AND REQUIRING FINANCIAL DISCLOSURE FOR CERTAIN OFFICERS AND EMPLOYEES OF THE COUNTY OF DUTCHESS AND ESTABLISHING A BOARD OF ETHICS FOR THE COUNTY OF DUTCHESS AND REPEALING LOCAL LAW NO. 7 OF 1990 AND LOCAL LAW NO. 3 OF 1971

Legislators HAMMOND, MOLINARO, HORTON, KLOSE, PHILLIPS, QUINN, SWARTZ, BALLO, KNAPP, and SMITH offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. 7 of 2000, which has been submitted this day for consideration by said Legislature.

APPROVED


WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

RES. 272 6/13/00 js/jh Revised 7/5/00 js/IMac
Revised in Charter & Local Laws 7/6/00 lw Revised 7/12/00 js/Imac/Dutch
Revised 7/24/00 lw/jh Revised 7/27/00 lw/jh Revised 8/7/00 lw/jh
Revised in Charter & Local Laws 8/10/00 lw

Date

10/17, 2000

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of September and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of September, 2000.


PATRICIA J. HOFFMANN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 7 OF 2000

RE: A LOCAL LAW ESTABLISHING A CODE OF ETHICS FOR OFFICERS AND EMPLOYEES AND REQUIRING FINANCIAL DISCLOSURE FOR CERTAIN OFFICERS AND EMPLOYEES OF THE COUNTY OF DUTCHESS AND ESTABLISHING A BOARD OF ETHICS FOR THE COUNTY OF DUTCHESS AND REPEALING LOCAL LAW NO. 7 OF 1990 AND LOCAL LAW NO. 3 OF 1971

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

- SECTION 1. STATEMENT OF PURPOSE
- SECTION 2. DEFINITIONS
- SECTION 3. STANDARDS OF CONDUCT
- SECTION 4. MATTERS AGAINST THE COUNTY
- SECTION 5. DISTRIBUTION OF CODE OF ETHICS
- SECTION 6. OBLIGATION TO FILE FINANCIAL DISCLOSURE STATEMENT; MAINTENANCE OF DISCLOSURE STATEMENT
- SECTION 7. FINANCIAL DISCLOSURE STATEMENT
- SECTION 8. FINANCIAL DISCLOSURE STATEMENT; FILING; VARIANCES AND EXTENSIONS
- SECTION 9. PENALTIES
- SECTION 10. DUTCHESS COUNTY BOARD OF ETHICS: COMPOSITION
- SECTION 11. DUTCHESS COUNTY BOARD OF ETHICS: POWERS, DUTIES, AND FUNCTIONS
- SECTION 12. DUTCHESS COUNTY BOARD OF ETHICS: COMPLAINTS, HEARINGS AND ASSESSMENT OF PENALTIES
- SECTION 13. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990
- SECTION 14. AUTHORITY
- SECTION 15. SEVERABILITY
- SECTION 16. EFFECTIVE DATE

SECTION 1. STATEMENT OF PURPOSE.

This Code of Ethics is enacted pursuant to Article 18 of General Municipal Law. It is the purpose of this Code to establish standards of ethical conduct for officers, employees, and certain appointed officials of the County of Dutchess, to afford them clear guidance as to these standards, and to ensure that county government is so free from improper influence as to assure public confidence and trust. This Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of County officers and employees and officials.

SECTION 2. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

- (a) "Appropriate Body" means the Dutchess County Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, New York, 12601.
- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "County" means the government of the County of Dutchess and Dutchess Community College.
- (d) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
 - (I) A relative except as to a contract of employment with the County;
 - (II) A firm, partnership or association of which such officer or employee is a member or employee;
 - (III) A corporation of which such officer or employee is an officer, director or employee;
 - (IV) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (e) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (f) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (g) "Relative" means a child, stepchild, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (h) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (1) a judicial order, decree or judgement of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (i) "Unemancipated Child" means a child who is under the age eighteen, unmarried and living in the household of an officer or employee.

SECTION 3. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) **Gifts.** No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could be reasonably be expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.
- (b) **Confidential Information.** No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.
- (c) **Representation Before One's Own Agency.** No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee or of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- (d) **Representation Before Any Agency For a Contingent Fee.** No officer or employee shall receive or enter into any agreement, express or implied for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the County, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based on the reasonable value of the services rendered.
- (e) **Disclosure of Interest in Legislation.** To the extent known, any officer or employee of the County who participates in the discussion or gives an official opinion to the County Legislature on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- (f) **Disclosure of Interests in Contracts.** To the extent known, any officer or employee of the County who has, will have, or subsequently acquires any interest in any contract with the County shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and County Legislature as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- (g) **Investments in Conflict with Official Duties.** No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.

- (h) Private Employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- (i) Future Employment. No officer or employee shall, within a period of one year after termination of service or employment, appear before any agency of the County, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to which such person was directly concerned or in which he or she personally participated in during his or her service or employment.
- (j) Conflicts of Interest Prohibited. No county officer or employee shall have an interest in any contract between the county and a corporation or partnership of which he or she is an officer or employee when such county officer or employee has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasurer, or their deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the county of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any county officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- (k) Certain interests prohibited. No officer or employee of Dutchess County who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by Dutchess County. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.

SECTION 4. MATTERS AGAINST THE COUNTY.

Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the County or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 5. DISTRIBUTION OF CODE OF ETHICS.

Within thirty (30) days of the effective date of this local law, the County Attorney shall cause a copy of this Code of Ethics to be distributed to every officer and employee required to file a Financial Disclosure Statement and shall further cause a copy of this local law to be posted in all County owned or leased buildings. Thereafter, each new officer and employee shall be furnished a copy of this local law within sixty (60) days of being elected, appointed, or hired by the County. Failure to distribute, post or receive a copy of this local law shall have no effect on the duty of compliance or the enforcement of the provisions of this local law.

SECTION 6. OBLIGATION TO FILE FINANCIAL DISCLOSURE
STATEMENT; MAINTENANCE OF DISCLOSURE
STATEMENT.

- (a) All officers and employees, holding the positions set forth below shall be responsible to complete and file a financial disclosure statement in substantially the form set forth herein and in accordance with the requirements of this local law. On or before March 15 of each year, the County Attorney shall cause to be distributed to those persons holding the positions set forth below said financial disclosure statement.

AGING, OFFICE FOR

Director, Office for the Aging

BOARD OF ELECTIONS

Commissioners of Elections

Administrator – Board of Elections

BUDGET OFFICE

Budget Director

CENTRAL PURCHASE ADMINISTRATION

Director of Central Services

Assistant Director of Central Services

Fleet Administrator

Telecommunications Systems Manager

Buyer/Central Services Supervisor

CITIZEN ADVOCACY

Executive Director Human Rights Commission

COMMUNITY ALTERNATIVE SYSTEMS AGENCY

Long-term Care Director

COMMUNITY COLLEGE

President, Dutchess Community College

Dean of Academic Affairs

Dean of Student Personnel Services

Dean of Community Services and Special Projects

Dean of Administration

COMPTROLLER

Comptroller
Deputy Comptroller

COMPUTER INFORMATION SERVICES

Commissioner of Computer Information Systems
Computer Operations Manager
Systems Managers

CONSUMER AFFAIRS

Director of Weights and Measures B/Consumer Affairs
Assistant Director of Consumer Affairs

COUNTY ATTORNEY

County Attorney
Chief Assistant County Attorney
Bureau Chief

COUNTY CLERK

County Clerk
Deputy County Clerks

COUNTY EXECUTIVE

County Executive
Assistants to the County Executive

COUNTY LEGISLATURE

County Legislators
Clerk of the County Legislature
Deputy Clerk of the County Legislature
Assistant to the Chairman
Legislative Attorney

DISTRICT ATTORNEY

District Attorney
Chief Assistant District Attorney
Bureau Chiefs

EMERGENCY RESPONSE, DEPARTMENT OF

Emergency Response Coordinator
Assistant Emergency Response Coordinator for E-911

FINANCE

Commissioner of Finance
First Deputy Commissioner of Finance
Second Deputy Commissioner of Finance

HEALTH DEPARTMENT

Commissioner of Health

Assistant Commissioner for Administration
Director of Public Health Nursing
Director of Environmental Health Services
Clinical Physician

MEDICAL EXAMINER
Medical Examiner

MENTAL HYGIENE
Commissioner of Mental Hygiene
Administrative Division Chief
Clinical Division Chiefs

PERSONNEL DEPARTMENT
Commissioner of Personnel
Director of Civil Service Administration
Director of Employee Relations
Equal Employment Opportunity Officer

PLANNING DEPARTMENT
Commissioner of Planning
Assistant Commissioner of Planning

PROBATION DEPARTMENT
Director of Probation and Community Corrections
Deputy Directors of Probation and Community Corrections

PUBLIC DEFENDER
Public Defender
Chief Assistant Public Defender
Bureau Chief

PUBLIC WORKS DEPARTMENT
Commissioner of Public Works
Deputy Commissioner of Public Works
Assistant Director of Construction and Maintenance
Director of Engineering
Director of Physical Facilities
Director of Highway Construction and Maintenance
Assistant Director of Engineering
Garage Superintendent
Airport Director
Park Superintendent

REAL PROPERTY TAX
Director of Real Property Tax Services III

RESOURCE RECOVERY AGENCY
Executive Director

RISK MANAGEMENT

Director of Risk Management

SHERIFF

Sheriff

Undersheriff

Deputy Sheriff Colonel

Correction Lieutenant Colonel

Correction Major

SOCIAL SERVICES DEPARTMENT

Commissioner of Social Services

Deputy Commissioner of Social Services

Director of Administrative Services

SOLID WASTE

Commissioner of Solid Waste Management

VETERANS SERVICE AGENCY

Director of Veterans Affairs

Deputy Director of Veterans Affairs

WASTE/WATER AGENCY

Water Resources Manager

Assistant Water Resources Manager

YOUTH BOARD

Executive Director – Youth Bureau

- (b) Financial Disclosure Statements filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five (5) years in an appropriate manner, by the Board of Ethics. Such Disclosure Statements shall be available for public inspection in accordance with the New York State Freedom of Information Law. Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period.

SECTION 7.

FINANCIAL DISCLOSURE STATEMENT.

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
FOR CALENDAR YEAR _____**

The Code of Ethics of Dutchess County requires certain elected or appointed officials and employees to file this statement prior to May 15 of the following year. Please answer all questions completely. Indicate not applicable (N/A) where appropriate. Attach additional pages if necessary. The filing of this statement does not effect other reporting requirements.

☐ If you wish a time-stamped receipt of the filing of this document, please check the box here.

1. Reporting Individual

Name: _____

Title of County Position Held: _____

Department or Agency: _____

Current Office Address: _____

Current Office Telephone Number (including extension): _____

If you are currently an officer or employee required to file a Financial Disclosure Statement and a candidate for an elective office subject to disclosure, indicate the title of the office: _____

2. To the best of your knowledge and belief, do you, your spouse, your children, or dependent(s) or any relatives as defined in Section 2(g) have *any* of the following relationships with Dutchess County? (If yes, check the appropriate boxes)

☐ Do business with Dutchess County

☐ Receive any benefits, payments, or gift in excess of that allowed Section 3(a) from any person, firm, company, or organization either doing business with Dutchess County or licensed or regulated by Dutchess County

☐ Own five (5) per cent or more of stock in a firm doing business with Dutchess County

Check all boxes above that are applicable

If you checked a box in Question 2 above, go on to page 2. Do not complete the certification below.

If you did not check a box above, complete the certification below and file the Statement with the Board of Ethics, c/o Commissioner of Finance, 22 Market Street, Poughkeepsie, NY 12601

STATE OF NEW YORK)
)ss.:
COUNTY OF DUTCHESS)

I hereby affirm under penalty of perjury that neither I nor any of the members of my Immediate Family have any of the Relationships described in Question 2 and that the information on this statement set forth above is true, accurate, and complete to the best of my ability.

Dated: _____

(signature)

DO NOT COMPLETE QUESTIONS 3-6 UNLESS YOU CHECKED A BOX IN QUESTION 2
--

3. Identify the following for all boxes checked in Question 2.
 - a. The name of the individual
 - b. The Relationship with Dutchess County
 - c. The value of Relationship as best can be determined
 - d. The dates the Relationship began and ended (or will end)

4. For every individual identified in Question 3, including yourself, identify any gifts, payments, or personal entertainment having an annual cumulative value in excess of \$75.00 directly from:
 - a. Any person or entity doing business with Dutchess County.
 - b. Any person or entity regulated or licensed by Dutchess County.

5. For every individual identified in Question 3, including yourself, identify any agreement or promise of future employment or payment including transfers of anything of a cumulative value in excess of \$100.00 from:
 - a. The County of Dutchess.
 - b. Any person or entity doing business with Dutchess County.
 - c. Any person or entity regulated or licensed by Dutchess County.

6. For every individual identified in Question 3, including yourself, identify any real property which each owns either in or contiguous to Dutchess County. The identification should include at a minimum the street address, municipality, property size, property use, and acquisition date. Include all property, whether the interest is vested or contingent, where fifty percent (50%) or more of the equitable interest in the property is held by the reporting person or relatives.

Exclude any primary personal residence not exceeding five (5) acres.

With respect to items reported concerning "relatives," as defined, a demonstration of good faith effort to the Ethics Board shall be evidence of compliance.

<p>If you completed Questions 3-6, complete the Certification below prior to filing with the Board of Ethics.</p>

The reporting of information on this statement is required by law. Improper use of the information contained in this statement by any person or entity in violation of privacy or other rights is separately punishable in accordance with law. No inference of unethical or illegal conduct or behavior shall be drawn merely from the lawful compliance with disclosure requirements

STATE OF NEW YORK)
)ss.:
COUNTY OF DUTCHESS)

I hereby affirm under penalty of perjury that the information on this Statement set forth above is true, accurate and complete to the best of my ability.

Dated: _____

(signature)

SECTION 8.

FINANCIAL DISCLOSURE STATEMENT; FILING;
VARIANCES; EXTENSIONS

Annual Statement of Financial Disclosure; Filing; Variances and Extensions.

- (a) Any person required to file an Annual Statement of Financial Disclosure pursuant to this local law shall file such completed statement on or before May 15th of each year for the preceding calendar year directly with the appropriate body.
- (b) Any person required to file such statement who is employed after May 15th of any year shall file such statement within thirty (30) days of such employment.
- (c) A person who is subject to filing requirements from more than one county may satisfy the requirement of this Section by filing a financial disclosure form with the appropriate body of the other county and filing a copy of that form with this county within the time required, together with a notification to this county of the name of the other county and the name and address of the appropriate body for that county.
- (d) Any person who is subject to the reporting requirements of this local law and who timely files with the Internal Revenue Service an application for an extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before the fifteenth (15) day after the expiration of the period of such extension of time within which to file such individual income tax return.
- (e) Any person who is required to file an annual financial disclosure statement and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship in accordance with the rules and regulations on the subject adopted by the appropriate body, shall file such statement within the additional period of time granted.
- (f) Upon filing of such annual disclosure statement, each officer and employee may obtain a dated receipt of such filing by checking the box on the first page of the disclosure form provided for that purpose.
- (g) Any person who is required to file an annual financial disclosure statement and who fails to file on or before May 15 of any year, shall be notified by certified mail by the appropriate body, and shall file such statement within fifteen (15) days of such notification subject to the penalty provided for in Section 9 (a) below.
- (h) Any person required to file a financial disclosure statement may request an exemption from any requirement to report one or more items of information which pertains to such person's spouse or relatives which item or items may be exempted upon a finding by a majority of the Board of Ethics that the reporting individual's spouse, on his or her own behalf or on behalf of an

unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties.

SECTION 9. PENALTIES.

- (a) Any officer or employee who is required to complete and file an annual financial disclosure statement, and has failed to file within fifteen (15) additional days after having been given at least one reminder, in writing, may be assessed a civil penalty not to exceed \$100 for the first such failure and not to exceed \$150 for a second such failure and not to exceed \$250 for any failure to file thereafter. In assessing any penalty, the Board of Ethics shall consider any mitigating circumstances offered by the offending party. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$500. A persistent violator is one who fails to file the annual statement of financial disclosure for three years.
- (b) Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$2,500.
- (c) Any officer or employee who knowingly and willfully violates any other provisions of the county ethics law, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$2,500 and may be subject to disciplinary action by the appropriate body.

SECTION 10. DUTCHESS COUNTY BOARD OF ETHICS; COMPOSITION.

- (a) The Dutchess County Board of Ethics, heretofore created by Local Law No. 3 of 1971 is terminated effective upon adoption of this local law.
- (b) Pursuant to Article 18 of the New York General Municipal Law, there is hereby established the Dutchess County Board of Ethics.
- (c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year,

and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.

- (d) The County Legislature may appropriate moneys for the maintenance and personal services connected with the Board of Ethics.
- (e) The members of the Board of Ethics shall receive no compensation for their services on such Board.

SECTION 11. BOARD OF ETHICS: POWERS, DUTIES, FUNCTIONS.

- (a) The Board of Ethics shall have the powers, duties and functions provided by Article 18 of the General Municipal Law.
- (b) The Board of Ethics shall be the repository for completed Financial Disclosure Statements and such other written instruments affidavits, and disclosures as required by law. The Board shall inspect all Financial Disclosure Statements to ascertain whether a person required to file a statement has failed to do so.
- (c) The Board of Ethics shall render advisory opinions in writing to officers and employees of Dutchess County, upon written request of the officer or employee with regard to his or her own affairs. Such advisory opinions shall be with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto, except that the County Board of Ethics shall not act with respect to the officers and employees of any municipality located within Dutchess County or agency thereto, where such municipality has established its own Board of Ethics, except that the local Board may at its option refer matters to the County Board of Ethics.
- (d) The County Executive, members of the County Legislature, Comptroller, Sheriff, and County Clerk, may request an advisory opinion with regard to the affairs of any county officer or employee. Such opinions shall be rendered, if practicable, within thirty (30) days of the written request. The thirty (30) day time period may be extended an additional thirty days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional ninety (90) days upon notification to the County Executive and Clerk of the County Legislature that a particular matter is under investigation and an additional extension is required. In any event, the Board shall render its opinion no later than one hundred fifty (150) days from the date of receipt of the written request.
- (e) Unless specifically requested by the individual charged with a violation, or the party requesting an advisory opinion, said opinions shall not be made public or disclosed unless required by the Freedom of Information Law, pursuant to Judicial subpoena or required in a disciplinary proceeding involving an officer or employee.
- (f) The Board of Ethics, by majority vote of the whole may request the County Legislature to authorize them to subpoena an individual, whether or not a

county officer or employee, or any document or thing deemed necessary to the Board in resolving any pending proceeding or investigation.

- (g) The Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the County Legislature or the governing body of any municipality in the County.

SECTION 12. BOARD OF ETHICS: COMPLAINTS, HEARINGS, AND ASSESSMENT OF PENALTIES.

- (a) All complaints alleging a violation of the Dutchess County Code of Ethics must be in writing and include the signed name and address of the complainant.
- (b) Upon receipt of a complaint, the Board of Ethics shall make a determination as to whether, on its face, the complaint alleges a violation of the Code of Ethics. If a determination is made that a violation of the Code of Ethics is not alleged by the complainant, the Board shall notify the complainant of its determination in writing.
- (c) If a determination is made that a violation of the Code of Ethics is alleged by the complainant, the Board shall notify in writing the person against whom the complaint is made of the nature of the complaint and the provision of the Code allegedly violated.
- (d) The officer or employee charged with a violation shall have fifteen (15) days from receipt of notice of alleged violation to respond in writing to the Board's notice of alleged violation. The fifteen (15) daytime period may be extended an additional fifteen (15) days at the Board's discretion. The response shall either admit the violation or state facts supporting a denial of the charge.
- (e) If the charge is denied, the Board shall either dismiss the charge if the facts presented so warrant or conduct a hearing.
- (f) A fact hearing shall consist of sworn testimony, affidavits, or such document evidence as the Board allows. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence presented against him or her. Strict rules of evidence under the laws of New York State shall not apply to the hearing. The Board may direct that the hearing be recorded and transcribed.
- (g) After the hearing is conducted, the Board shall issue its decision in writing, indicating the reason therefor. Such decision shall be rendered, if practicable, within the time limits set forth for opinions as contained in Section 11 (d) above. No determination may be based solely on hearsay evidence.

- (h) Upon the Board's determination that a violation of the Code of Ethics has occurred, and pursuant to Section 9 of this Code of Ethics, the Board of Ethics may assess a penalty.
- (i)
 - (I) Any determination resulting in a fine or disciplinary action by the Board of Ethics shall be subject to review by a special proceeding in New York Supreme Court. Such a proceeding must be commenced within thirty (30) days of receipt of notice of a determination. The Supreme Court, in its review, may make its own findings of fact based upon the record before it.
 - (II) In instances where the Board of Ethics levies a fine in excess of \$1,000, the aggrieved party may seek review by the Dutchess County Legislature solely on the issue of excessive fine. The request for Legislative review shall be in writing and filed with the Clerk of the Legislature and the Board of Ethics within ten (10) days of receipt of notice of said determination. Upon receipt of such request, the Clerk shall refer the matter to the Personnel Committee of the Legislature for its review and recommendation. In conducting its review, the Personnel Committee shall be restricted to only materials or testimony presented to the Board of Ethics. The Personnel Committee shall recommend an affirmance or reduction of the fine. The Personnel Committee's recommendation shall be in the form of a resolution submitted for action by the full Legislature. The Legislature shall have ninety (90) days from the date the Clerk receives the notice within which to act on the request. The failure by the Legislature to take action within the ninety (90) days shall be deemed an affirmance of the determination of the Board of Ethics.
 - (III) The time within which to commence a special proceeding in Supreme Court shall be tolled pending action by the County Legislature and the County Executive upon adoption of the resolution as provided in the County Charter.

SECTION 13. REPEAL OF LOCAL LAW NO. 3 OF 1971 AND LOCAL LAW NO. 7 OF 1990.

Local Law No. 3 of 1971, establishing a Board of Ethics for the County of Dutchess and Local Law No. 7 of 1990, establishing a Code of Ethics for the officers and employees of the County of Dutchess, are hereby repealed in their entirety.

SECTION 14. AUTHORITY.

The provisions of this local law are enacted pursuant to the authority granted by Article 18 of the General Municipal Law. Notwithstanding anything to the contrary, the County of Dutchess hereby elects to remove itself from the ambit of all of the provisions of Section 812.

SECTION 15. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision, item or other part of this local law or the application thereof to any person or circumstance should be held by a court of competent jurisdiction to be invalid, void, or violative of a constitution or controlling law, such judgment, holding or determination shall be restricted to such clause, sentence, paragraph, section, subdivision, item or other part or the application thereof and shall not apply to the remaining parts of such local law. To this end, the provisions of each clause, sentence, paragraph, section, subdivision, item or other part of this local law are hereby declared to be severable.

SECTION 16. EFFECTIVE DATE.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation. Officers and employees required to file a Financial Disclosure Statement for calendar year 2000 shall have the option of filing the form of the Statement required by Local Law No. 7 of 1990 or the form of the Statement included in this Local Law. The Financial Disclosure Statement required for calendar year 2001 and thereafter shall be in the form set forth herein.

RESOLUTION NO. 201057

RE: LOCAL LAW NO. 2 OF 2001, A LOCAL LAW AMENDING LOCAL LAW
NO. 7 OF 2000

Legislators KENDALL, HAMMOND, MOLINARO, and SMITH offer the following and
move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. 2 of
2001, which has been submitted this day for consideration by said Legislature.

RES. 57 2/5/01 tq/js

Revised 3/8/01 jh/js

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution
with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 17th day of April
, 2001, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 7th day of April , 2001.

PATRICIA J. HOCHMANN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 2 OF 2001

RE: A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2000.

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT.

The Dutchess County Legislature has previously determined that it is in the best interest of the citizens of the County of Dutchess that the Board of Ethics established, pursuant to Local Law No. 7 of 2000, contain language which states that a majority of the members of said Board of Ethics shall not be officers or employees of the County of Dutchess or officers or employees of municipalities wholly or partially located in Dutchess County.

SECTION 2. AMENDMENT.

Section 10 of Local Law No. 7 of 2000 shall be amended so that Section 10(c) shall read as follows:

“(c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. No more than two of said members shall be officers or employees of Dutchess County or officers or employees of municipalities wholly or partially located in such County and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal counsel to the Board. The Board shall meet, at a minimum, at least once a calendar year, and at any other time or times deemed necessary by the Chairman of the Board or upon the request of a majority of its members.”

SECTION 2. EFFECTIVE DATE.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~XXX~~

~~XXXX~~

~~XXXXXX~~

of.....DUTCHESS.....

Local Law No.7..... of the year 2001...

A local law.....AMENDING LOCAL LAW NO. 7 OF 2000 WHICH ESTABLISHED A CODE OF.....
(Insert Title)
ETHICS FOR OFFICERS AND EMPLOYEES.....
.....
.....

Be it enacted by theLEGISLATURE..... of the
(Name of Legislative Body)

County

~~XXX~~

~~XXXX~~

~~XXXXXX~~

of.....DUTCHESS..... as follows:

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. PURPOSE.

It is the purpose of this Local Law to amend Local Law No. 7 of 2000.

SECTION 2. Section 7 of Local Law No. 7 of 2000 shall be amended so that the following language is deleted:

☐ If you wish a time-stamped receipt of the filing of this document, please check the box here."

SECTION 3. Section 8(f) of Local Law No. 7 of 2000 shall be amended by the deletion of all of Section 8(f) and in its place the following language shall appear:

"Section 8(f): Each officer or employee required to file a financial disclosure statement shall be provided with a time-dated receipt of such filing."

SECTION 4. In all other respects Local Law No. 7 of 2000 shall remain in effect.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

RESOLUTION NO. 204246

RE: LOCAL LAW NO. 5 OF 2004, AMENDING LOCAL LAW NO.
7 OF 2000, AS AMENDED, WHICH ESTABLISHED A CODE
OF ETHICS FOR OFFICERS AND EMPLOYEES OF THE
COUNTY OF DUTCHESS

Legislators CLEARWATER, MOLINARO, REILLY, and KELLER-COFFEY
offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
5 of 2004, which proposed Local Law will amend Local Law No. 7 of 2000, as amended,
and which has been submitted this day for consideration by said Legislature.

STATE OF NEW YORK

SS:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing
resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the
13th day of September, 2004, and that the same is a true and correct transcript of said original resolution and of the whole thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of September, 2004.


PATRICIA J. HOHMANN, CLERK OF THE LEGISLATURE

LOCAL LAW NO. 5 OF 2004

RE: AMENDING LOCAL LAW NO. 7 OF 2000, AS AMENDED,
WHICH ESTABLISHED A CODE OF ETHICS FOR OFFICERS
AND EMPLOYEES OF THE COUNTY OF DUTCHESS

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1 PURPOSE. It is the purpose of this Local Law to amend Local Law No. 7 of 2000 as amended.

SECTION 2 Section 3 of Local Law No. 7 of 2000 shall be amended by adding a new Section "3(l)" as follows:

"(l) Nepotism; No relative of any person employed in a department of the County of Dutchess shall be entitled to hold a position of full-time or part-time employment in the same department of the County as their relative if the position applied for is in the direct line of supervision in the subject department. Notwithstanding the definition of relative of Section 2 (g) for purposes of this subsection "Relative" shall mean a spouse, child, step-child, parent, step-parent, brother, brother-in-law, sister, sister-in-law, step-brother, step-sister, father-in-law, mother-in-law, or legal guardian of any of said persons. With respect to prospective employees who have relatives as defined herein in other County departments, the hiring official shall exercise sound discretion in employing such individual in order to avoid the appearance of impropriety which relationship shall be fully disclosed to the Board of Ethics."

SECTION 3 In all other respects Local Law No. 7 of 2000, as amended, shall remain in full force and effect.

SECTION 4 This amendment as proposed herein shall apply to all hiring commencing upon the effective date of this Local Law.

SECTION 5 EFFECTIVE DATE.

The effective date of this Local Law shall take effect immediately upon full compliance with the applicable provisions of the Municipal Home Rule Law.

- (b) "Child or Children" means any unemancipated son, daughter, stepson, or stepdaughter.
- (c) "County" means the government of the County of Dutchess and Dutchess Community College.
- (d) "Interest" means a direct or indirect pecuniary or material benefit accruing to an officer or employee, or his or her relative whether as a result of a contract with the County or otherwise. For the purpose of this local law, a County officer or employee shall be deemed to have an interest in the contract of:
 - (i) A relative except as to a contract of employment with the County;
 - (ii) A firm, partnership or association of which such officer or employee is a member or employee;
 - (iii) A corporation of which such officer or employee is an officer, director or employee;
 - (iv) A corporation of which more than five percent of the outstanding stock is owned by any such officer, employee, or his or her relative.
- (e) "Legislation" means a matter which appears on the agenda of the County Legislature or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances or resolutions.
- (f) "Officer" or "Employee" means an elected or appointed officer or employee of the County of Dutchess, whether paid or unpaid.
- (g) "Relative" means a child, step-child, parent, step-parent, brother, sister, step-brother, step-sister, or legal guardian of any of said persons of an officer or employee or of the spouse of the officer or employee.
- (h) "Spouse" means the husband or wife of an officer or employee unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation, or (ii) a legally binding written agreement of separation in accordance with the Domestic Relations Law.
- (i) "Unemancipated Child" means a child who is under the age eighteen, unmarried and living in the household of an officer or employee.



SECTION 3. STANDARDS OF CONDUCT.

Every officer or employee of the County shall be subject to and abide by the following standards of conduct:

- (a) Gifts. No officer or employee shall directly or indirectly solicit any money or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of seventy-five dollars (\$75) or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence, or could reasonably be expected to

influence, him or her in the performance of official duties or was intended as a reward for any official action.

- (b) Confidential Information. No officer or employee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.
- (c) Representation Before One's Own Agency. No officer or employee shall receive or enter into any agreement, express or implied, for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of which he or she is an officer, member or employee of any agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer, or employee.
- (d) Representation Before Any Agency For a Contingent Fee. No officer or employee shall receive or enter into any agreement, express or implied for compensation, direct or indirect, for services to be rendered in relation to any matter before any agency of the County, whereby his or her compensation is to be dependent or contingent on any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at anytime of fees based on the reasonable value of the services rendered.
- (e) Disclosure of Interest in Legislation. To the extent known, any officer or employee of the County who participates in the discussion or gives an official opinion to the County Legislature on any legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- (f) Disclosure of Interests in Contracts. To the extent known, any officer or employee of the County who has, will have, or subsequently acquires any interest in any contract with the County shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and County Legislature as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.
- (g) Investments in Conflict with Official Duties. No officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his or her official duties.
- (h) Private Employment. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
- (i) Future Employment. No officer or employee shall, within a period of one year after termination of service or employment, appear before any agency of the County, except on his or her own behalf. No officer or employee shall, after termination of service or employment, appear before any agency of the County in relation to any matter, case, proceeding, application or transaction with respect to

which such person was directly concerned or in which he or she personally participated in during his or her service or employment.

- (j) Conflicts of Interest Prohibited. No county officer or employee shall have an interest in any contract between the county and a corporation or partnership of which he or she is an officer or employee when such County officer or employee, has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasurer, or their deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the county of which he or she is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any county officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.
- (k) Certain interests prohibited. No officer or employee of Dutchess County who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by Dutchess County. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.
- (l) Nepotism; No relative of any person employed in a department of the County of Dutchess shall be entitled to hold a position of full-time or part-time employment in the same department of the County as their relative if the position applied for is in the direct line of supervision in the subject department. Notwithstanding the definition of relative of Section 2(g) for purposes of this subsection "Relative" shall mean a spouse, child, step-child, parent, step-parent, brother, brother-in-law, sister, sister-in-law, step-brother, step-sister, father-in-law, mother-in-law, or legal guardian of any of said persons. With respect to prospective employees who have relatives as defined herein in other County departments, the hiring official shall exercise sound discretion in employing such individual in order to avoid the appearance of impropriety which relationship shall be fully disclosed to the Board of Ethics.⁵

SECTION 4. MATTERS AGAINST THE COUNTY.

Nothing herein shall be deemed to bar or prevent the appearance of a present or former officer or employee before any agency on his or her own behalf, or on behalf of a relative, to express an opinion or comment on a matter before that agency, nor prevent the appearance or timely filing of any claim, account, demand or suit against the County or any agency thereof where the matter arises out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

⁵ Section 3 (l), as amended by Local Law No. 5 of 2004, Resolution No. 204246.

McKinney's Consolidated Laws of New York Annotated
Civil Service Law (Refs & Annos)
Chapter 7. Of the Consolidated Laws (Refs & Annos)
Article I. Short Title; Definitions

McKinney's Civil Service Law § 2

✓ § 2. Definitions

Effective: June 3, 2008
Currentness

When used in this chapter.

1. The term "commission" or "state commission" means the state civil service commission;
2. The term "president" means the president of the state civil service commission;
3. The term "department" or "civil service department" means the state department of civil service, unless otherwise expressly stated or unless the context requires a different meaning;
4. The term "municipal commission" or "municipal civil service commission" means the civil service commission of a city, of a county, or of a suburban town governed pursuant to article three-A of the town law ¹ and having a population of at least fifty thousand as shown in the most recent decennial federal census or special population census taken pursuant to section twenty of the general municipal law, or the personnel officer of a city, of a county, or of such a suburban town, or a regional civil service commission or a regional personnel officer, as the case may be, unless otherwise expressly stated or unless the context requires a different meaning;
5. The "civil service" of the state of New York or any of its civil divisions includes all offices and positions in the service of the state or of such civil divisions, except such offices and positions in the militia and the military departments as are or may be created under the provisions of article twelve of the constitution;
6. The "state service" shall include all offices and positions in the civil service of the state;
7. The "city service" shall include all offices and positions in the civil service of any city;
8. The "service of a civil division" shall include all offices and positions in the civil service of any subdivision of the state; and the term "civil division" shall include within its meaning a city;
9. The term "appointing authority" or "appointing officer" means the officer, commission or body having the power of appointment to subordinate positions;

✓
reported will have no material bearing on the discharge of the reporting individual's official duties.

SECTION 9. PENALTIES.

- (a) Any officer or employee who is required to complete and file an annual financial disclosure statement, and has failed to file within fifteen (15) additional days after having been given at least one reminder, in writing, may be assessed a civil penalty not to exceed \$100 for the first such failure and not to exceed \$150 for a second such failure and not to exceed \$250 for any failure to file thereafter. In assessing any penalty, the Board of Ethics shall consider any mitigating circumstances offered by the offending party. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$500. A persistent violator is one who fails to file the annual statement of financial disclosure for three years.
- (b) Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$2,500.
- (c) Any officer or employee who knowingly and willfully violates any other provisions of the county ethics laws, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$2,500 and may be subject to disciplinary action by the appropriate body.

SECTION 10. DUTCHESS COUNTY BOARD OF ETHICS; COMPOSITION.

- (a) The Dutchess County Board of Ethics, heretofore created by Local Law No. 3 of 1971 is terminated effective upon adoption of this local law.
- (b) Pursuant to Article 18 of the New York General Municipal Law, there is hereby established the Dutchess County Board of Ethics.
- (c) The Board of Ethics shall consist of five members appointed by the County Executive subject to confirmation by the County Legislature. No more than three shall be of the same enrolled party affiliation. No more than two of said members shall be officers or employees of Dutchess County or officers or employees of municipalities wholly or partially located in such County and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. Of the five members appointed by the County Executive, one shall serve for a term of one year, two shall serve for a term of two years, and two shall serve for a term of three years. Thereafter, all shall serve for a term of three years. Members whose terms expire may be reappointed for additional three-year terms subject to confirmation by the County Legislature. The Board of Ethics shall appoint a Chairman from among its members for a term of one year. Three members of the Board shall constitute a quorum. The County Attorney or one of his or her assistants shall serve as legal counsel to the Board. The Board shall meet, at a minimum, at least once a